

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

ROBERT LEE ALLEN,

*

Plaintiff,

*

vs.

*

AUTAUGA COUNTY SHERIFF
DEPT., et al.,

*

Defendants.

*

CASE NO. 2:07-CV-982-WKW

*

*

*

REPORT BY DEFENDANTS

COMES NOW the Defendants in the above-styled matter, by and through their counsel, and after a review of the subject matter of the Complaint provides to this Honorable Court a report as requested by Order dated November 2, 2007.

A. FACTS AND CIRCUMSTANCES

The Plaintiff, ROBERT LEE ALLEN, is incarcerated in the Autauga County Metro Jail awaiting trial for various charges stemming from a high speed chase. (A complete list is attached to this Report as Exhibits "A", "B", "C", "D", and "E" and made a part hereof.)

The Plaintiff's complaint appears to revolve around an allegation of being illegally arrested in Montgomery County, Alabama instead of Autauga County, Alabama. See attached statement of Deputy Sheriff Larry Nixon attached hereto as Exhibit "F" and which is made a part hereof and which provides the Defendant's summary of the facts and circumstances surrounding this matter.

B. CORRECTIVE ACTION BY PRISON OFFICIALS

The Autauga County Sheriff's Office does not see a need to take any corrective action since it feels that its present policies and procedures dealing with inmate arrests are appropriate.

C. OTHER COMPLAINTS

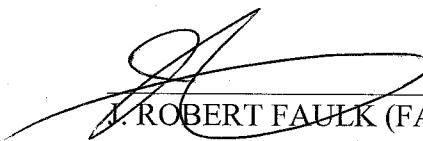
The other complaints known to the Defendants deal with a Complaint pending in this Court by the following individuals:

Ralph Wilson Lingo v. State of Alabama, et al., under Civil Action No. 1:06-CV-703-MHT dealing with a variety of issues, none of which deal with the issues of the instant complaint.

The allegations in this Complaint do not appear to similar with the above such as to justify consolidation.

The Defendants claim the defenses of immunity and qualified immunity.

DATED: December 11, 2007.



J. ROBERT FAULK (FAU002)
Attorney for Defendants

OF COUNSEL:

McDOWELL, FAULK & McDOWELL, L.L.C.
Attorneys at Law
145 West Main Street
Prattville, AL 36067
(334) 365-5924 Telephone
(334) 365-6016 Facsimile
robert@mcdowellfaulk.com

CERTIFICATE OF SERVICE

I hereby certify that I have on the 11th day of December, 2007 served a copy of the foregoing on Robert L. Allen by placing a copy of same in the U. S. Mail, postage prepaid and properly addressed as follows:

Robert Lee Allen
Inmate
Autauga County Metro Jail
136 North Court Street
Prattville, AL 36067



ROBERT FAULK

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000165.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

ATTEMPT - ASSAULT IS CLASS: C TYPE: F COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$10,000.00 BOND TYPE:
(2) _____
(3) _____

JUDGE/CLEK/MAGISTRATE OF DISTRICT COURT

CHARGES: ATTEMPT - ASSAULT IS 13A-004-002 F FELONY

NAME: ROBERT LEE ALLEN ALIAS:
ADDRESS: 1025 BLUEBERRY LANE ALIAS:
ADDRESS:
CITY: PRATTVILLE STATE: AL ZIP: 36067 0000
PHONE: 000 000 0000 EXT: 000EMPLOYMENT:
DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'03" WEIGHT: 185
SID: 000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT
 PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL
 () RELEASING DEFENDANT ON APPEARANCE BOND

THIS 13 DAY OF FEB 2007P.M. 2
19

RECEIVED

SHERIFF

H. JohnsonB. DillmanCOMPLAINANT: MATT BOWMAN
301 S RIDLEY ST
P O BOX 1511
MONTGOMERY AL 36104

OPERATOR: WHM DATE: 08/13/2006

W 28507

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

028507

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000156.00 ✓
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

ATTEMPT - ASSAULT 2N CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

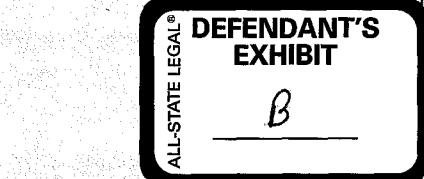
DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$3,000.00 BOND TYPE:

1/2 M
1/2 M
1/2 M

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: ATTEMPT - ASSAULT 2N 13A-004-002

NAME: ROBERT LEE ALLEN
ADDRESS: 1025 BLUEBERRY LANE
ADDRESS:

CITY: PRATTVILLE

STATE: AL

ALIAS:

ALIAS:

ZIP: 36067 0000

PHONE: 000 000 0000 EXT: 000

EMPLOYMENT:

DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'03" WEIGHT: 185
SID: 000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

- EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT A
 PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL
 RELEASING DEFENDANT ON APPEARANCE BOND

2006 AUG 16 PM 2 20

RECEIVED

THIS 7 DAY OF FEB

SHERIFF

L. Johnson

BY

R. Dillon

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM DATE: 08/13/2006

PC 28505

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT 628505

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000167.00 ✓
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

LEAVING SCENE ACC W/ CLASS: C TYPE: F COUNTS: 001
AND HAVE YOU THERE AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$10,000.00 BOND TYPE:
(2) _____
(3) _____

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: LEAVING SCENE ACC W/ 032-010-001 F FELONY

NAME: ROBERT LEE ALLEN ALIAS:
ADDRESS: 1025 BLUEBERRY LANE ALIAS:
ADDRESS:
CITY: PRATTVILLE STATE: AL ZIP: 36067 0000
PHONE: 000 000 0000 EXT: 000EMPLOYMENT:
DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'6" WEIGHT: 185
SID: 000000000 SSN: 257755691 DL NUM:

E X E C U T I O N

- EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT END
- PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL AUG 16 2006
- RELEASING DEFENDANT ON APPEARANCE BOND PT 2006

THIS 7 DAY OF FEB 2007

BY H. Johnson
SHERIFFB. DillonRECEIVED
AUTAUGA CO SHERIFF 2006

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM DATE: 08/13/2006

28506

028501

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

DISTRICT COURT

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000168.00
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

RECKLESS ENDANGERMENT CLASS: A TYPE: M COUNTS: 001
AND HAVE YOU THERE AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$3,000.00 BOND TYPE:

(2) _____

(3) _____

Matt Johnson
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

DEFENDANT'S EXHIBIT

ALL-STATE LEGAL®

D

CHARGES: RECKLESS ENDANGERMENT 13A-006-024 M MISDEMEANOR

NAME: ROBERT LEE ALLEN
ADDRESS: 1025 BLUEBERRY LANE
ADDRESS:ALIAS:
ALIAS:

CITY: PRATTVILLE STATE: AL

ZIP: 36067 0000
PHONE: 000 000 0000 EXT: 000EMPLOYMENT:
DOB: 09/01/1964 FACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 6'03" WEIGHT: 185
SID: 000000000 SSN: 257755691 DL NUM:

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND
 PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL
 RELEASING DEFENDANT ON APPEARANCE BONDAUG 16 PM 2
AUTAUGA CO. SHERIFF
RECEIVED

THIS 13 DAY OF FEB 2007

H. Johnson
SHERIFFB. Dillon
BY

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM DATE: 08/13/2006

(W28507)

W A R R A N T

STATE OF ALABAMA

AUTAUGA COUNTY

02 050

AGENCY NUMBER: ABI

WARRANT NUMBER: WR 2006 000169.001
OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST ROBERT LEE ALLEN AND BRING HIM/HER BEFORE THE DISTRICT COURT OF AUTAUGA COUNTY TO ANSWER THE STATE ON A CHARGE(S) OF:

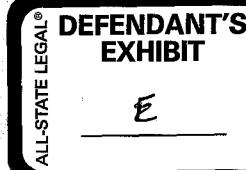
ATT ELUDE POLICE CLASS: U TYPE: M COUNTS: 001
AND HAVE YOU THEM THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF _____ OR UNTIL LEGALLY DISCHARGED.

DATED THIS 13 DAY OF AUGUST, 2006.

BOND SET AT: (1) \$500.00 BOND TYPE:
(2)
(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT



CHARGES: ATT ELUDE POLICE 032-05A-193 M MISDEMEANOR

NAME: ROBERT LEE ALLEN ALIAS:
ADDRESS: 1025 BLUEBERRY LANE ALIAS:
ADDRESS:
CITY: PRATTVILLE STATE: AL ZIP: 36067 0000
PHONE: 000 000 0000 EXT: 000EMPLOYMENT:
DOB: 09/01/1964 RACE: B SEX: M HAIR: BLK
EYE: BRO HEIGHT: 5'03" WEIGHT: 185
SSID: 000000000 SSN: 267755691 DL NUM:

E X E C U T I O N

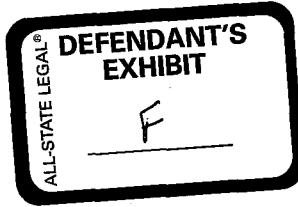
EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND
 PLACING DEFENDANT IN THE AUTAUGA COUNTY JAIL
 RELEASING DEFENDANT ON APPEARANCE BONDDUE APR 16 PR 2
07
AUT CO SHERIFF
RECEIVED

THIS 7 DAY OF FEB

H. JOHNSON
SHERIFFB. Johnson
EX

COMPLAINANT: MATT BOWMAN

OPERATOR: WHM DATE: 08/13/2006



STATE OF ALABAMA

COUNTY OF AUTAUGA

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared LARRY NIXON, whose name is signed to this Affidavit and who is known to me and who being by me first duly sworn, doth depose and say as follows:

My name is LARRY NIXON and I am a Deputy Sheriff for Autauga County, Alabama. I have been a Deputy Sheriff for 13 years. I am also the Chief Jailer for the Autauga County Metro Jail.

The purpose of this Affidavit is to provide to the Honorable Court the facts and circumstances surrounding a Complaint filed in this Court by ROBERT LEE ALLEN by Civil Action No. 2:07-CV-982-WKW.

Robert L. Allen is currently an inmate in the Autauga County Metro Jail being held on a number of charges stemming from a high speed chase. These charges are attached to this Report as Exhibits "A" through "E". He files this Complaint with this Honorable Court alleging that he was illegally arrested and illegally transported to the Autauga County Metro Jail.

Mr. Allen was a prisoner in the Lowndes County Jail. He was being held on charges in Lowndes County, Alabama. He had pending charges against him in Autauga County. As a result, the Sheriff of Lowndes directed that he be transferred to Autauga County, Alabama to stand for the charges against him in said County. The Lowndes County deputies met the Autauga County deputies in Montgomery County, Alabama where Mr. Allen was transferred from Lowndes to Autauga County law enforcement officers. Mr. Allen was then transported to the Autauga County Sheriff's Office by Autauga County Deputy Dillon. When the deputies arrived at the Autauga County Sheriff's Office, Officer Dillon went into the office to do paperwork, came out and executed the

various warrants against Mr. Allen as shown on Exhibits "A" through "E" and Mr. Allen was placed in the Autauga County Metro Jail. This was all done in accordance with the laws of the State of Alabama. Since the warrants were executed when Mr. Allen was transported to Autauga County, there could be no illegal arrest or any illegal transportation of him as he claims in his complaint. Furthermore, *Code of Ala. 1975*, §15-10-10 allows for execution of arrests outside of Autauga County by Autauga County deputies.

I provide the following information from my perspective and to address the concerns of Mr. Allen.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 11th day of December, 2007.



LARRY NIXON
Captain/Warden
Autauga Metro Jail

SWORN TO and SUBSCRIBED to before me on this the 11th day of December, 2007.



NOTARY PUBLIC

My Commission Expires:

H:\LIT\Autauga County\Allen.2007-765\Affidavit of Larry Nixon.wpd

J. Robert Faulk
My Commission Expires
August 11, 2011